

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARON DREVON DAVIS,

Plaintiff,

v.

ACEF-MARTIN FOLSOM LLC,

Defendant.

No. 2:23-cv-3000-DC-SCR (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

(Doc. No. 7, 12, 13)

Plaintiff Earon Drevon Davis is proceeding *pro se* and *in forma pauperis* in this civil action initiated on December 26, 2023. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 11, 2024, the assigned magistrate judge issued findings and recommendations recommending that Plaintiff's motion for default judgment (Doc. No. 7) be denied because (1) the clerk never entered default, which is a prerequisite for default judgment under Federal Rule of Civil Procedure 55; (2) the action can be resolved on the merits and Defendant ACEF-Martin Folsom LLC ("ACEF-Martin") is defending itself in the action; and (3) Plaintiff cannot be granted default judgment when there is no operative complaint on file. (Doc. No. 12 at 7.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.*

1 at 8.) Plaintiff filed objections to the pending findings and recommendations on December 20,
2 2024. (Doc. No. 13.)

3 In his objections, Plaintiff does not meaningfully address the magistrate judge's findings
4 and recommendations. Instead, Plaintiff argues, to no avail, that the magistrate judge improperly
5 denied Plaintiff's motion for default judgment because Defendant ACEF-Martin failed to timely
6 respond to Plaintiff's motion. (*Id.* at 3.) Thus, Plaintiff's objections simply do not provide a basis
7 upon which to reject the pending findings and recommendations.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
10 and recommendations to be supported by the record and by proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on December 11, 2024 (Doc. No. 12)
- 13 are adopted in full; and
- 14 2. Plaintiff's motion for default judgment (Doc. No. 7) is denied.

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17 IT IS SO ORDERED.

18 Dated: January 21, 2025


Dena Coggins
United States District Judge